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Attorney Docket No.: 60188-358
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Mitsuhiro OKUNI : Customer No.: 20277
Serial No.: 10/006,718 : Confirmation No.: 3646
Filed: December 10, 2001 : Group Art Unit: 1765
For: DRY ETCHING METHOD : Examiner: LAN VINH

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop - Petitions
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the NOTICE OF ABANDONMENT ("NOTICE") dated March 9, 2004 be withdrawn and that the response filed on July 23, 2003 be considered. Although Applicants believe that no fee is necessary, the Commissioner is authorized to charge Deposit Account No. 500417 the amount of any necessary fee to cover the Petition.

On March 11, 2004, Applicants' attorneys received the aforementioned NOTICE (copy enclosed), which indicated that the above-identified application went abandoned for failing to respond to an "Office Action" mailed April 23, 2003.

However, on July 23, 2003, Applicants' attorney filed a response to the aforementioned Office Action via facsimile, which included a certificate of facsimile transmission. A copy of the response to the Office Action, and the facsimile transmittal sheet indicating the response was

received by the USPTO is enclosed herewith. It would appear that the response was inadvertently misplaced by the USPTO.

In view of the foregoing evidence, Applicants respectfully submit that the Office Action dated April 23, 2003 was responded to in a timely manner, and therefore the above-identified application was improperly abandoned.

In view of the above, Applicants respectfully request a withdrawal of the Notice of Abandonment issued in the instant application, and entry of the response previously filed on July 23, 2003.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Date: _____

3/16/04

By: _____

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